

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SAMUEL JEFFERSON,)
)
Plaintiff) Case No. 3:10-0754
) Judge Sharp/Bryant
v.)
)
FERRER, POIROT &)
WANSBROUGH, *et al.*,)
)
Defendants)

TO: THE HONORABLE KEVIN H. SHARP

REPORT AND RECOMMENDATION

Plaintiff Samuel Jefferson, who is proceeding *pro se* and in *forma pauperis*, has filed his motion for summary judgment (Docket Entry No. 237). Defendants have responded in opposition (Docket Entry Nos. 238, 239, and 246). Plaintiff Jefferson has filed replies (Docket Entry No. 243, and 250).

For the reasons stated below, the undersigned Magistrate Judge recommends that Plaintiff Jefferson's motion for summary judgment be denied.

Local Rule 56.01(b) provides as follows:

Concise statement of facts. In order to assist the Court in ascertaining whether there are any material facts in dispute, any motion for summary judgment made pursuant to Rule 56 of the *Federal Rules of Civil Procedure* shall be accompanied by a separate, concise statement of the material facts as to which the moving party contends there is no genuine issue for trial. Each fact shall be set forth in a separate, numbered paragraph. Each fact shall be supported by specific citation to the record. After each paragraph, the word "Response" shall be inserted and a blank space shall be provided reasonably calculated to enable the non-moving party to respond to the assertion that the fact is undisputed.

Plaintiff Jefferson's motion for summary judgment is not supported as required by the local rules. Plaintiff's motion papers consist of approximately 20 pages of handwritten argument followed by approximately 113 additional pages consisting of unsworn copies of correspondence, medical records and other documents interspersed periodically with handwritten pages labeled as requests for admissions. These requests for admissions do not include the caption of this case, are neither signed nor dated, nor do they indicate whether they have been served on the other parties and, if so, when and how such service was accomplished. Significantly, Plaintiff Jefferson's motion is not accompanied by a concise statement of facts about which he contends thee is no dispute, set forth in separate numbered paragraphs and cited to the record in this case. The undersigned Magistrate Judge therefore finds that Plaintiff's motion for summary judgment should be denied without prejudice for his failure to comply with local rules governing the filing of motions for summary judgment.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Plaintiff Jefferson's motion for summary judgment (Docket Entry No. 237) should be DENIED without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said

objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 14th day of January, 2014.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge